



UNITED STATES DEPARTMENT OF COMMERCE  
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Two First National Plaza, Suite 2100  
Chicago, Illinois 60603

In re Application of	:	
David L. Fosnaugh	:	
Serial No. 07/699,479	:	
Filed: May 13, 1991	:	
For: DIE-SHAPING APPARATUS AND PROCESS	:	
AND PRODUCT FORMED THEREBY	:	
	:	DECISION DISMISSING
	:	PETITION
In re Application of	:	
David L. Fosnaugh	:	
Serial No. 07/975,862	:	
Deposited: November 13, 1992	:	
For: DIE-SHAPING APPARATUS AND PROCESS	:	
AND PRODUCT FORMED THEREBY	:	

The above-identified applications were referred to the Office of the Assistant Commissioner for Patents for consideration of the Petition to Revive filed November 23, 1992, in application Serial No. 07/699,479.


Petitioner indicates that application Serial No. 07/699,479 was abandoned upon the inadvertent filing of application Serial No. 07/975,862 under 37 CFR 1.62. Petitioner explains that an incorrect form was used when requesting a c-i-p of application Serial No. 07/699,479.

A review of the record reveals that application Serial No. 07/975,862 was deposited on November 13, 1992, requesting a c-i-p application under 37 CFR 1.62. However, the application is not a proper filing under 37 CFR 1.62. An application filed pursuant to 37 CFR 1.62 uses the specification and drawings from the prior application. Changes to the application must be made in form of amendment. In this application, the request as filed was accompanied by a complete specification. Accordingly, application Serial No. 07/975,852 is not entitled to a filing date under 37 CFR 1.62. The Official filing receipt previously mailed in hereby vacated. No benefits under 35 U.S.C. 120 may be claimed based on application Serial No. 07/975,862.

As a review of the record has shown that application Serial No. 07/975,852 is improper under 37 CFR 1.62, its filing was not effective to abandoned application Serial No. 07/699,479. Therefore, the petition to revive application Serial No. 07/699,479 is dismissed as moot.

Application Serial No. 07/699,479 is being returned to Examining Group 3200 for action as indicated in the communication from the Examiner mailed September 9, 1992.

In view of the request for express abandonment filed November 23, 1992, application Serial No. 07/975,852 is being returned to Application Branch for prompt processing as an improper application under 37 CFR 1.62 (no filing date granted).

  
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